

and mislead the purchaser when applied to articles that were mixtures of water, sugar, acid, artificial color and artificial flavor or citrus-oil flavor, containing little or no fruit juice, "Tru-Fruit \* \* \* Ade Cherry [or "Raspberry," "Lemon," "Orange," "Lemon-Lime," or "Grape"]"; in that they were imitations of and were offered for sale under the distinctive names of other articles, namely, cherry, raspberry, lemon, orange, lemon-lime, or grape True-Fruit Ades and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since it was declared in terms of weight instead of volume. The Thirst Ades were alleged to be misbranded in that the following statements and device in the labeling were false and misleading and tended to deceive and mislead the purchaser when applied to sweet sirupy liquids containing acid, water, artificial color, and artificial flavor, (bottles) "Ade Raspberry [or "Cherry" or "Grape"] True-Fruit Flavor \* \* \* Ade Punch \* \* \* Tru-Fruit Ade," (display card with portion) "Ade \* \* \* Grape Cherry \* \* \* Raspberry," (display card with remainder) "Ade \* \* \* Grape Cherry \* \* \* Raspberry \* \* \* True Fruit," and a vignette of fruit which included representations of cherries and raspberries; and in that they were imitations of and were offered for sale under the distinctive names of other articles, namely, raspberry, cherry, or grape true fruit flavors.

On October 15 and October 28, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28062. Adulteration and misbranding of honey. U. S. v. 59 Tins and 174 Jars of Honey. Default decree of condemnation and sale. (F. & D. Nos. 40214, 40262. Sample Nos. 43615-C, 43616-C, 44149-C.)**

This product was represented to be honey but consisted of a mixture of glucose and honey. It was also short of the declared weight.

On August 30 and September 11, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 59 tins and 174 jars of honey at Atlanta, Ga., alleging that the article was shipped in interstate commerce on or about May 13, July 30, and August 7, 1937, from Chattanooga, Tenn., by G. W. Bagwell, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Honey Packed by G. W. Bagwell Chattanooga, Tenn. \* \* \* Net Wt. 16 Ozs." [or "4½ Lbs." or "2 Lbs."].

It was alleged to be adulterated in that a mixture of glucose and honey had been substituted for honey, which it purported to be, and in that it was mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statements, "Honey," "Net Wt. 4½ Lbs.," "Net Wt. 2 Lbs.," and "Net Wt. 16 Oz.," as they appeared, were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was a mixture of glucose and honey and that was short weight; in that the article was an imitation of and was offered for sale under the distinctive name of another article, namely, honey; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On October 2 and 9, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the labels be stripped and the product sold. On December 7, 1937, its sale for distribution through charitable channels was confirmed by the court.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28063. Misbranding of peanut butter. U. S. v. 37 Cases of Peanut Butter. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 40224. Sample No. 31607-C.)**

This product was short weight.

On August 31, 1937, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cases of peanut butter at Louisville, Ky., alleging shipment in interstate commerce on or about June 29, 1937, from New Brockton, Ala., by Southland Peanut Products Co., and charging misbranding in violation of the Food and Drugs Act

as amended. The article was labeled in part: "Contents 12 Ozs. Net When Packed \* \* \* Manufactured for A. Wahking & Sons, Louisville, Ky."

It was alleged to be misbranded in that the statement on the label, "Contents 12 Ozs. Net When Packed," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity was not stated correctly.

On December 18, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be turned over to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28064. Adulteration and misbranding of cocktail fruit juice. U. S. v. 10 Cartons of Cocktail Fruit Juice (and 1 other seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 40225, 40228. Sample Nos. 21070-C, 48505-C.)**

These products were labeled to indicate that they were lemon juice; whereas they were artificially colored acid mixtures, containing in one instance less than 15 percent of lemon juice and in the other little or no lemon juice.

On August 31, 1937, the United States attorneys for the District of Massachusetts and the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 10 cartons of cocktail fruit juice at Boston, Mass., and 10 cartons of a similar product at Washington, D. C., alleging that the articles had been shipped in interstate commerce on or about August 17, 1937, by the Castle Products Co., Inc., from Irvington, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act. One product was labeled in part: "Tomahawk Brand Cocktail Fruit Juice Lemon \* \* \* Castle Products, Inc., Newark, N. J."; the other was labeled in part: "Banner Brand Cocktail Fruit Juice \* \* \* Bottled Expressly for Banner Bros. Washington, D. C. Lemon."

The articles were alleged to be adulterated in that they were mixed and colored in a manner whereby inferiority was concealed.

They were alleged to be misbranded in that the following statements in the labeling were false and misleading and tended to deceive and mislead the purchaser since they implied that the articles were pure lemon juice, whereas they were not, one consisting of a mixture of acid, water, citrus oil, artificial color, and less than 15 percent of lemon juice and the other consisting of a mixture of water, acid, artificial color, and fruit pulp, containing little or no lemon juice: (Tomahawk brand) "Fruit Juice Lemon Use As the Juice of Fresh Fruit \* \* \* Use whenever lemon juice is desired. Two tablespoons are equal to the juice of one lemon. Contains the juice of tree-ripened, California-squeezed lemons"; (Banner brand) "Cocktail Fruit Juice Use as the juice of Fresh Fruit Contains Natural Fruit Juice \* \* \* Lemon." They were alleged to be misbranded further in that they were imitations of and offered for sale under the distinctive name of another article, namely, lemon juice. They were alleged to be misbranded further in that the statements of composition, (Tomahawk brand) "Contains the juice of tree-ripened California squeezed lemons. Flavor, fruit acid, cert. color and  $\frac{1}{10}$  of 1% sodium benzoate added" and (Banner brand) "Contains Natural Fruit Juice, Fruit Acid, Certified Color and  $\frac{1}{10}$  of 1% Benzoate of Soda"; were misleading and tended to deceive and mislead the purchaser since the former contained 85 percent of water and the latter contained about 95 percent of water, and the water was not declared.

On October 11 and 18, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28065. Adulteration of butter. U. S. v. 42 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 40243. Sample Nos. 34077-C, 34078-C.)**

This product contained less than 80 percent of milk fat.

On or about August 19, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate